

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

STATE OF MARYLAND

AV

v.

: Case No.: C-10-CR-21-000535

NORRIS B. ELLIS

MOTION PURSUANT TO MARYLAND RULE 4-252

Defendant, Norris Barnard Ellis, by and through undersigned counsel, Benjamin M. Kurtz and the Law Offices of Kurtz, Peters & Associates LLC., pursuant to Maryland Rule §4-252, moves that:

1. All charges against the defendant be dismissed based upon defects in the institution of the prosecution and or for unconstitutionality of the charge.
2. All charges against the defendant be dismissed based upon defects in the charging document.
3. All evidence be suppressed because of an unlawful search or seizure.
4. All wire and oral communications be suppressed because of an unlawful interception.
5. All judicial and pretrial extra-judicial identifications be suppressed because they are based upon (1) an illegal arrest, (2) a violation of the defendant's right to counsel, and (3) a violation of the defendant's right to due process because (a) all identifications were so unnecessarily and impermissibly suggestive as to give rise to a substantial likelihood of irreparable misidentification, and (b) any in court identification lacks a source independent of the illegal pretrial confrontation or viewing and constitutes fruit of the poisonous tree.

6. All admissions, statements, or confessions be suppressed because they were unlawfully obtained.
7. All trials of all codefendants be severed from the trials of this defendant.
8. All offenses pending against this defendant be severed and tried separately.
9. Moves for a dismissal of all charges based upon a violation of his right to a speedy trial.

WHEREFORE, the defendant moves for dismissal, suppression, and severance as indicated.

Respectfully submitted,

KURTZ, PETERS & ASSOCIATES LLC.

By: _____ /s/
Benjamin M. Kurtz (AIS#)1601070008
620 Hungerford Drive, Suite 14
Rockville, Maryland 20850
Ph: (301) 685-3911 Fx: (301) 685-3674
bkurtz@kurtzandpeters.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October 2022, a copy of the foregoing Motion was Electronically delivered via MDEC to the following: Frederick County State's Attorney.

/s/

Benjamin M. Kurtz